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To: Examiner Deborah Crouch
USPTO
Art Unit: 1632
Confirmation No.: 1839

From: Xiaochun Zhu, Ph.D.

Fax: (571) 273-8300

Pages: 66 (including cover sheet)

Phone:

Date: August 24, 2005

Re: Benjamin Reubinoff, et al.
U.S. Patent Appln. No. 09/970,543
Filed: October 4, 2001
Our Docket: 14418Z

CC:

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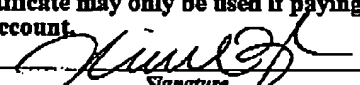
The following is being transmitted (see attached):

1. Transmittal of Information Disclosure Statement (in dup)
2. Information Disclosure Statement
3. Form PTO-1449
4. Four (4) References
5. Authorization to charge Deposit Account 19-1013/SSMP for \$180.00
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|---|---------------------------------------|-----------------------------------|------------------------------|-------------------------------|---------------------------------|--|
| TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT (Under 37 CFR 1.97(d)) | | | | | Docket No. 14418Z | |
| In Re Application Of: Benjamin Reublnoff, et al. | | | | | | |
| Application No. 09/970,543 | Filing Date October 4, 2001 | Examiner Deborah Crouch | Customer No. 23389 | Group Art Unit 1632 | Confirmation No. 1839 | |
| Title: EMBRYONIC STEM CELLS AND NEURAL PROGENITOR CELLS DERIVED THEREFROM | | | | | | |
| <p style="text-align: center;">Address to: Commissioner for Patents</p> <p>The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(c), and on or before payment of the issue fee, and is accompanied by the Statement as specified in 37 CFR 1.97(e) and the fee set forth in 37 CFR 1.17(p).</p> <p><input type="checkbox"/> A check in the amount of _____ is attached.</p> <p><input checked="" type="checkbox"/> Charge Deposit Account No. 19-1013/SSMP in the amount of \$180.00</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p style="text-align: center;">Certificate of Transmission by Facsimile*</p> <div style="border: 1px solid black; padding: 5px;"> <p>I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax no. _____) on <u>August 24, 2005</u> (Date)  _____ Signature Xiaochun Zhu Typed or Printed Name of Person Signing Certificate</p> </div> </div> <div style="width: 45%;"> <p style="text-align: center;">Certificate of Mailing by First Class Mail</p> <div style="border: 1px solid black; padding: 5px;"> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ (Date) _____ Signature of Person Mailing Correspondence _____ Typed or Printed Name of Person Mailing Certificate</p> </div> </div> </div> <p>*This certificate may only be used if paying by deposit account.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 45%;"> <p> _____ Signature Xiaochun Zhu Registration No. 56,311 Scully, Scott, Murphy & Presser 400 Garden City Plaza-STE 300 Garden City, New York 11530 (516) 742-4343</p> </div> <div style="width: 45%;"> <p>Dated: August 24, 2005</p> </div> </div> | | | | | | |
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|--------------------|--|------------------|-----------------|
| Applicants: | Benjamin Reubinoff, et al. | Examiner: | Deborah Crouch |
| Serial No.: | 09/970,543 | Art Unit: | 1632 |
| Filed: | October 4, 2001 | Docket: | 14418Z |
| For: | EMBRYONIC STEM CELLS AND NEURAL PROGENITOR CELLS DERIVED THEREFROM | Dated: | August 24, 2005 |


Confirmation No.: 1839Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, it is requested that the following references, which are also listed on the attached Form PTO-1449, be made of record in the above-identified case.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dated: August 24, 2005
Xiaochun Zhu

08/25/2005 SDIRETA1 00000055 191013 09970543

01 FC:1806 180.00 DA

1. M. J. Shamblott, et al., "Derivation of pluripotent stem cells from cultured human primordial germ cells", Proc. Natl. Acad. Sci. USA, 95: 13726-13731 (1998);
2. Sang-Hun Lee, et al., "Efficient generation of midbrain and hindbrain neurons from mouse embryonic stem cells", Nature Biotechnology, 18: 675-679 (2000);
3. Diana L. Clarke, et al., "Generalized Potential of Adult Neural Stem Cells, Science, 288: 1660-1663 (2000); and
4. Australian Patent Application No. 2001263199 B2, published November 26, 2001 (which corresponds to International Publication No. WO01/88104).

Applicants are submitting copies of the above-cited references.

The references were cited in an Opposition filed on August 3, 2005 with the Australian Patent Office in the corresponding Australian Patent Application No. 779694.

The following references were also cited in the Opposition, but were either already cited by the Examiner in the Office Action dated March 5, 2004, or already submitted in the Information Disclosure Statement dated April 29, 2004 or the Information Disclosure Statement dated December 18, 2003, and therefore copies are not provided:

M. Li, et al., "Generation of Purified Neural Precursors from Embryonic Stem Cells by Lineage Selection", Current Biology, 8(17): 971-974 (1998); T. Mujtaba, et al., "Lineage-Restricted Neural Precursors Can Be Isolated from Both the Mouse Neural Tube and Cultured ES Cells", Developmental Biology, 214: 113-127 (1999); O. Brustle, et al. "Embryonic stem cell-derived glial precursors: A source of myelinating transplants" Science, 285: 754-756 (1999); Australian Patent Application No. 25106/99, published July 12, 1999 (which corresponds to International Publication No. WO 99/32606); and B. E. Reubinoff, et al. "Embryonic stem cell lines from human blastocysts: somatic differentiation in vitro" Nature Biotech. 18: 399-404 (2000).

The undersigned attorney hereby states that each item of References Nos. 1-4 was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

Consideration of this Information Disclosure Statement is respectfully requested, since the art provided may be material to the examination of the present application as defined under 37 C.F.R. §1.56.

This Information Disclosure Statement is being submitted in accordance with the schedule set out in 37 C.F.R. § 1.97(d)(1)(2) and statement under 37 C.F.R. §1.97(e)(1). The Commissioner is hereby authorized to charge the fee in the amount of \$180.00 associated with this communication or credit any overpayment to Deposit Account No. 19-1013/SSMP.

Respectfully submitted,



Xiaochun Zhu
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Sheet 1 of 1

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| Form PTO-1449 (REV. 7-80) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | | Atty. Docket No. (Optional) 14418Z | | Application Number 09/970,543 | | | |
| INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i> | | Applicant(s) Benjamin Reubinoﬀ, et al. | | | | | |
| | | Filing Date October 4, 2001 | | Group Art Unit 1632 | | | |
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| U.S. PATENT DOCUMENTS | | | | | | | |
| EXAMINER INITIAL* | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE (if appropriate) |
| | AA | | | | | | |
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| FOREIGN PATENT DOCUMENTS | | | | | | | |
| | REF | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION |
| | | | | | | | YES NO |
| | | 2001263199 B2 | 11/26/01 | Australia | | | |
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| OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i> | | | | | | | |
| | | M. J. Shambloﬀ, et al., "Derivation of pluripotent stem cells from cultured human primordial germ cells", <u>Proc. Natl. Acad. Sci. USA</u> , <u>95</u> : 13726-13731 (1998) | | | | | |
| | | Sang-Hun Lee, et al., "Efficient generation of midbrain and hindbrain neurons from mouse embryonic stem cells", <u>Nature Biotechnology</u> , <u>18</u> : 675-679 (2000) | | | | | |
| | | Diana L. Clarke, et al., "Generalized Potential of Adult Neural Stem Cells, <u>Science</u> , <u>288</u> : 1660-1663 (2000) | | | | | |
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| EXAMINER | | | | DATE CONSIDERED | | | |
| * EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | | | | | | | |